

November 16, 2010

MEMO ENDORSED

Martin Alexander
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Via Facsimile Transmission

Hon. James C. Francis; Magistrate Judge
U.S. Southern District Court NY
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007
Fax No.: (212) 805-7930

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/17/10

RE: Civil Action No. 10-civ-5613 (PAC) (JCF)
Alexander v. Murdoch, et al

Dear Hon. Judge Francis:

I am writing to respectfully request an extension of time to serve the final four of the nineteen Defendants (or otherwise comply with Fed. R. Civ.P. 4) in the above referenced matter. This is Plaintiff's first request for an extension to expand the time for serving the Summons and Complaint. In all, this is Plaintiff's second request for an extension.

Defense attorney Dale M. Cendali, Esq., of the law firm of Kirkland & Ellis, has requested extensions four separate times for a total of two requests on behalf of ten of the served Defendants. Defense attorney Joseph F. Richburg has requested extensions three times on behalf of CBS. All of the Defendants' aforementioned requests for extensions of time were granted.

The deadline for serving the Defendants in the above referenced case is November 20, 2010. Based on information and belief, only the four Los Angeles Defendants have not been served. They were, however, timely mailed copies of the Complaint, along with Waivers of Service of Summons and Notices of Lawsuit and Requests for Waiver of Service of Summons.

Melanie Bradley, Esq., of the law firm of Kirkland & Ellis, requested that Plaintiff consent to allow the Los Angeles Defendants until December 20, 2010 to sign and return the waivers, which were mailed October 6, 2010 and would've been due November 5, 2010. Plaintiff consented and Ms. Bradley in turn consented to Plaintiff's request for a corresponding extension of time (beyond the initial 120-day period) until December 31, 2010 to receive the waivers or, if necessary, seek a further extension, in order to comply with Rule 4.

Granting this extension should allow sufficient time for possible delays in mail service during the holiday season and give Plaintiff ample time to receive the waivers or, if necessary, seek a further extension from the Court, in order to comply with Rule 4. Also, granting this request should not cause undue delay. In addition to contacting defense attorney Melanie Bradley, Esq. and obtaining her consent regarding this request for an extension of time, Plaintiff also contacted defense attorney Joseph Richburg, Esq., but he advised Plaintiff that CBS is now represented by Kirkland & Ellis.

For all the foregoing reasons, Plaintiff respectfully requests a forty-one (41) day extension of time (beyond the initial 120-day period) until December 31, 2010 to receive the waivers or, if necessary, seek a further extension, in order to comply with Rule 4.

Respectfully Submitted,

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11/17/10
Application granted.
SO ORDERED.
James C. Francis IV
JCF